

139462

Order 2001-9-19

Served: October 1, 2001



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.**

Issued by the Department of Transportation  
on the 26<sup>th</sup> day of September, 2001

Applications of

**BIZ JET SERVICES, INC.**

for certificates of public convenience and necessity under 49 U.S.C. 41102 to engage in interstate and foreign charter air transportation of persons, property and mail

**Dockets OST-01-9880 - 7  
and  
OST-01-9881 - 9**

**FINAL ORDER**

By Order 2001-9-4, issued September 7, 2001, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Biz Jet Services, Inc. (Biz Jet) authorizing it to engage in interstate and foreign charter air transportation of persons, property, and mail. Interested persons were given 14 days to file objections to the order.

No objections were received within the time period provided.

**ACCORDINGLY,**

1. We find that Biz Jet Services, Inc., is fit, willing, and able to engage in interstate and foreign charter air transportation of persons, property, and mail.
2. We issue a certificate of public convenience and necessity to Biz Jet Services, Inc., to engage in interstate charter air transportation in the form attached.<sup>1</sup>

<sup>1</sup> By this order, we issue only an interstate charter certificate to Biz Jet. Issuance of a foreign charter certificate to the company is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

3. We direct Biz Jet Services, Inc., to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of certificated operations.<sup>2</sup>

4. We will serve a copy of this order on the persons listed in Attachment A.

By:

**SUSAN McDERMOTT**  
Deputy Assistant Secretary for  
Aviation and International Affairs

(SEAL)

*An electronic version of this document is available on the World Wide Web at  
<http://dms.dot.gov>*

---

<sup>2</sup> The report shall include a description of Biz Jet's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements (including a balance sheet at the end of its first year of flight operations and a 12-month income statement ending that same date), and a listing of current senior management and key technical personnel.



# Certificate of Public Convenience and Necessity for Interstate Charter Air Transportation

*This Certifies That*

**BIZ JET SERVICES, INC.**

*is authorized, subject to the provisions of Subtitle VII of Title 49 of United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of persons, property, and mail.*

*This Certificate is not transferable without the approval of the Department of Transportation.*

*By Direction of the Secretary*

*Issued by Order 2001-9-19  
On September 26, 2001  
Effective on (See Attached)*

*Susan McDermott  
Deputy Assistant Secretary for  
Aviation and International Affairs*



*Terms, Conditions, and Limitations*

**BIZ JET SERVICES, INC.**

*is authorized to engage in interstate charter air transportation of persons, property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.*

*This authority is subject to the following provisions:*

- (1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:*
  - (a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).*
  - (b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.*
  - (c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.*
  - (d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a working capital reserve equal to the operating costs that would be incurred in three months of operations.*
- (2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card), issue tickets for the operations proposed under this certificate, or enter into contracts with charter operators, and any advertisement by the holder must prominently state: "This service is subject to receipt of government operating authority."*
- (3) The effectiveness of the authority contained in this certificate is conditioned upon the holder's continuing existence as a wholly owned subsidiary of UAL Corporation.*

- (4) . The operations authorized by this certificate are restricted to those performed with aircraft designed to have a maximum passenger capacity of 60 seats or a maximum payload capacity of 18,000 pounds.
- (5) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (6) The holder's authority is effective only to the extent that such operations are also authorized by the FAA, and comply with all FAA requirements concerning security.
- (7) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (8) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.
- (9) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.
- (10) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.
- (11) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

**SERVICE LIST FOR BIZ JET SERVICES, INC.**

MR. BRUCE RABINOVITZ  
MR. DAVID HEFFERNAN  
COUNSEL FOR BIZ JET SERVICES, INC.  
WILMER CUTLER & PICKERING  
2445 M STREET NW  
WASHINGTON DC 20037-1420

MR. EDWARD J GILMARTIN  
ASSOCIATE GENERAL COUNSEL  
ASSOCIATION OF FLIGHT ATTENDANTS, AFL-CIO  
1275 K ST, NW  
WASHINGTON DC 20005-4090

MR. RICHARD DUTTON  
ASST. MANAGER CSET  
FAA, STE 203B  
45005 AVIATION DRIVE  
DULLES, VA 20166-7537

MS. JONI MOUNT  
OFFICIAL AIRLINE GUIDE  
2000 CLEARWATER DRIVE  
OAK BROOK IL 60521

MR. DONALD BRIGHT, ACTG DIR  
OFFICE OF AIRLINE INFO K-25  
DEPARTMENT OF TRANSPORTATION  
400 SEVENTH ST SW  
WASHINGTON DC 20590

MR. PETER LYNCH, ASST CHIEF  
COUNSEL FOR ENFORCEMENT AGC-300  
FEDERAL AVIATION ADMINISTRATION  
800 INDEPENDENCE AVE SW  
WASHINGTON DC 20591

MR. LEO BELMONTE  
CERTIFICATE PROJECT MANAGER  
FEDERAL AVIATION ADMINISTRATION  
FLIGHT STANDARDS DISTRICT OFFICE  
7181 AMIGO ST, STE 180  
LAS VEGAS NV 89119

MR. STUART ORAN  
PRESIDENT AND CEO  
BIZ JET SERVICES, INC.  
85 WEST ALGONQUIN RD  
ARLINGTON HEIGHTS IL 60005

MR. MONROE BALTON, AWP-7  
OFFICE OF THE REGIONAL COUNSEL  
FAA, WESTERN-PACIFIC REGION HQ  
15000 AVIATION BLVD  
HAWTHORNE CA 90261

MR. DAVID GILLIOM, MANAGER  
FLIGHT STANDARDS DIV, AWP-200  
FAA, WESTERN-PACIFIC REGION HQ  
15000 AVIATION BLVD  
HAWTHORNE CA 90261

MR. ALLAN MUTEN  
ASSISTANT TREASURER  
AIRLINES REPORTING CORPORATION  
1530 WILSON BLVD, STE 800  
ARLINGTON, VA. 22209-2448

AMERICAN ASSOCIATION OF AIRPORT  
EXECUTIVES  
601 MADISON ST, STE 400  
ALEXANDRIA, VA 22314-1756

MR. JIM ZAMMAR  
DIRECTOR OF REVENUE ACCOUNTING  
AIR TRANSPORT ASSOCIATION  
1301 PENN AVE NW, STE 1100  
WASHINGTON DC 20004